

MR
THOMAS L. GAMBARO
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Defendant for U.S. Patent No. 5,332,322

FILED 10 SEP 10 11 24 USD OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

FLIR SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

v.

THOMAS L. GAMBARO, an individual;
MOTIONLESS KEYBOARD COMPANY

Defendants.

Case No. CV 10-0231-BR

**DEFENDANT ACCELERATED
UNSEALING OF PROTECTIVE
ORDER DOCUMENTS MOTION**

DEMAND FOR JURY TRIAL

**DEFENDANT ACCELERATED UNSEALING OF
PROTECTIVE ORDER DOCUMENTS MOTION**

The relief requested in the Defendant Motion 11, that is pending with the Court, is to unseal the previous Protective Order that sealed "OUTSIDE COUNSEL ONLY" documents from the Motionless Keyboard Company v Microsoft Corporation et al case to allow access of previously designated "OUTSIDE COUNSEL ONLY" material to Defendant Thomas L Gambaro as some materials therein may relate to the current case.

On March 31, 2010 all right title and interest to U.S. Patent 5,332,322 was registered and assigned to PATENT ENFORCEMENT COMPANY. On May 10, 2010

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Thomas L. Gambaro one of the Defendants in this case filed **DEFENDANT MOTION 01 TO AMEND CAPTION FOR CV 10-0231-BR**. This motion (Docket No. 17) was denied by the Court (Docket No. 48) entered on June 24, 2010. The effect of that ruling in law was that the Court relinquished jurisdiction over U.S. Patent 5,332,322, and the effect is that currently the '322 patent is outside of the jurisdiction of the Court, in this patent infringement case. This is further complicated by the issue that sealed documents from the *Motionless Keyboard Company v Microsoft Corporation et al* case are also no longer under the jurisdiction of Motionless Keyboard Company being the property of PATENT ENFORCEMENT COMPANY. The documents identified as PATENT ENFORCEMENT COMPANY EXHIBIT 15, EXHIBIT 16, and EXHIBIT 17 are included for this filing only to assist in resolving these issues. PATENT ENFORCEMENT COMPANY is not a party in this case nor is U.S. Patent 5,332,322.

Filed with this motion to accelerate the process of unsealing the "OUTSIDE COUNSEL ONLY" files are three claim charts from the specified case. These are:

- 1) Microsoft Claim Chart specified as PATENT ENFORCEMENT COMPANY EXHIBIT 15 indicating missing information to prepare the defenses to FLIR motion for partial summary judgment of non-infringement of the '322 patent including but not limited to: APPENDIX E1, APPENDIX E2, APPENDIX E3, APPENDIX F, and APPENDIX G.
- 2) Nokia Claim Chart specified as PATENT ENFORCEMENT COMPANY EXHIBIT 16 indicating missing information to prepare the defenses to FLIR motion for partial summary judgment of non-infringement of the '322 patent including but not limited to: APPENDIX 3595 A, EXHIBIT A, APPENDIX 3595 B, EXHIBIT A, and EXHIBIT B.
- 3) Saitek Claim Chart specified as PATENT ENFORCEMENT COMPANY EXHIBIT 17 indicating missing information to prepare the defenses to FLIR motion for partial summary judgment of non-infringement of the '322 patent including but not limited to: APPENDIX 37A, and APPENDIX 37B.

The Defendant Thomas L. Gambaro requests the Court issue an order to all interested parties to accelerate the process of unseal the "OUTSIDE COUNSEL ONLY"

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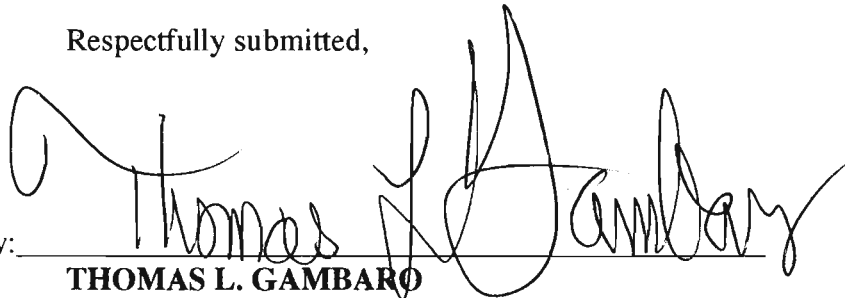
from the Judge Aiken case that is *Motionless Keyboard Company v Microsoft Corporation et al* to Thomas L. Gambaro to be returned to the rightful owner that is PATENT ENFORCEMENT COMPANY. These materials may or may not be used for the preparation of the defenses in this case on the issues of patent infringement as this case may now be dismissed for lack of jurisdiction and are included by permission of PATENT ENFORCEMENT COMPANY to resolve these outstanding issues.

The granting of this **DEFENDANT ACCELERATED UNSEALING OF PROTECTIVE ORDER DOCUMENTS MOTION** is in the interest of justice. The recovery of PATENT ENFORCEMENT COMPANY property is the issue herein.

Respectfully submitted,

September 9, 2010

By: _____

A handwritten signature in black ink, appearing to read 'Thomas L. Gambaro', written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 9, 2010, a true copy of the foregoing **DEFENDANT ACCELERATED UNSEALING OF PROTECTIVE ORDER DOCUMENTS MOTION** was served to the following counsel by hand delivery, electronic filing via email with electronic signature.

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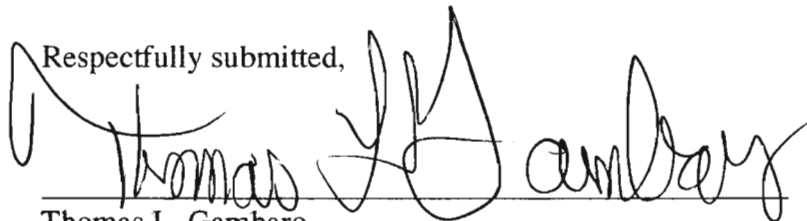
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September 9, 2010

By:

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